IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
NOTICE OF MOTION NO.2031 OF 2005
IN
CHAMBER SUMMONS NO.402 OF 2005
IN
SUIT NO.3750 OF 2000

Laxmidas S. Shetty & Anr. ...Plaintiffs
Vs.
Vinodkumar V. Kanabar & Ors. ...Defendants

Mr S.B. Prabhawalkar for the Plaintiff.
Mr P.K. Dhakeparkar, Sr. Counsel for the Defendant NOs.1 to 3.

CORAM : A. M.KHANWILKAR, J.
DATE : MARCH 16, 2006.

P.C.:

1. Heard the Counsel for the parties. Although the explanation offered in support of the Chamber Summons on affidavit is not acceptable, however, in the interest of justice, by way of indulgence to the Applicants-Defendants in the main proceedings, the order passed on 14th June, 2005 in Chamber Summons No.402 of 2005 in Suit No.3750 of 2000 is recalled. The said Chamber Summons No.402 of 2005 is restored to the file to its original number. To be heard and decided with Chamber Summons No.156 of 2005 which has been filed by the Applicants-Defendants as the issues are overlapping. However, the interim relief prayed in the present Chamber Summons in terms of prayer clause (c) is rejected with clarification that in the event the Applicants-Defendants succeed in getting relief in terms of Chamber Summons No.156 of 2005 the

court will pass appropriate orders of redeposit of the amount already withdrawn by the plaintiffs in terms of order dated 14th June, 2005. This Notice of Motion is disposed of in above terms.

JUDGE